

REMARKS

The Office Action rejects claims 19-21 under 35 U.S.C. 101. The Examiner states that the disclosed invention is inoperative and therefore lacks utility. The Examiner believes that the method is not enabling for manufacturing because the limitations do no teach assembly of the elements being provided. Applicants have amended the method claim to use words other than "providing" to represent assembly of the elements. The 101 rejection is believed to be overcome by the current amendment.

The Office Action rejects claims 3-18 under 35 U.S.C. 103(a) as being unpatentable over Schleffendorf (US patent 4515363). The Office Action further rejects claims 3-18 under 35 U.S.C. 103(a) as being unpatentable over Bonewitz (US patent 3100639) in view of Destasio (US patent D362479). Applicant has amended the claims to more clearly distinguish over the prior art references.

Claim 3, as amended, recites a mechanical system for exercising target oblique muscles of a body comprising a base, a stationary neck rigidly coupled to the base to prevent rotation of the stationary neck with respect to the base, and a handle coupled to a distal end of the stationary neck. A platform is in rotational contact with the base. The platform has a centerline substantially aligned with the stationary neck. A divider is aligned along the centerline and rigidly coupled to the platform. The divider has first and second opposing vertical faces of fixed height extending upwardly from the platform. A user maintains upper body substantially stationary by holding the handle and applying forces through an inside portion of both feet normal to the first and second opposing

vertical faces of the divider, respectively, to cause rotation of the platform with respect to the base and exercise the target oblique muscles.

The Schleffendorf reference does not teach or suggest a platform having a centerline substantially aligned with the stationary neck. Schleffendorf has two platforms, one for each foot, neither of which are aligned with the neck of the exercise equipment. The present invention uses a single platform which is aligned with the stationary neck. The alignment allows the body to rotate while maintaining alignment with the handles and neck.

The Schleffendorf reference further does not teach or suggest a divider aligned along the centerline and rigidly coupled to the platform. The divider has first and second opposing vertical faces of fixed height extending upwardly from the platform. Schleffendorf has no divider, as recited in claim 3, on either platform. The U-shaped foot guides are not aligned along the centerline of each platform, which in turn are not aligned with the stationary neck. Applicants traverse the Examiner's statement that it would have been obvious to position the divider along a centerline of the platform for ease of allowing the foot of the user to move the platform in different directions. Again, Schleffendorf uses two platforms. The U-shaped guides are essential to his design because one foot goes on each platform. Placing Schleffendorf's U-shaped guides along a center line of each platform would not help, and probably hinder, movement of the platform in different directions. The centerline placement of the divider in the present invention is important because the user's feet are placed on either side of the divider and press against the opposing vertical faces to

move the platform. In using the Schleffendorf system, the user's feet are never pressed against opposing vertical faces of the same divider to move a single platform.

Moreover, the U-shaped foot guides in Schleffendorf are not designed to allow a user to maintain his or her upper body substantially stationary by holding the handle and applying forces through an inside portion of both feet normal to the first and second opposing vertical faces of the divider. A user exercising with Schleffendorf's system does not apply forces through an inside portion of both feet normal to the first and second opposing vertical faces of the same divider. This would be impossible as the user's feet are on different platforms, resting inside separate U-shaped foot guides. In the Schleffendorf system, the user would not be able to apply forces through an inside portion of both feet normal to the first and second opposing vertical faces of the divider. The platform and divider combination, as recited in claim 3, is a unique and effective way of exercising the target oblique muscles of the user's body.

As for the rejection over Bonewitz in view of Destasio, neither reference, taken singularly or in combination, teaches or suggests a divider aligned along the centerline and rigidly coupled to the platform, wherein the divider has first and second opposing vertical faces of fixed height extending upwardly from the platform. Destasio has no divider at all. In Bonewitz, weight mounting bar 35 and weights 42 and 43 do not operate as the claimed divider. The weight mounting bar provides a channel to securely attach weights 42 and 43, but there is nothing to suggest the claimed feature of applying forces through an inside portion of both feet normal to the

first and second opposing vertical faces of the divider. There is no mention in Bonewitz of applying pressure to the opposing vertical faces of the divider to cause rotation of the platform with respect to the base and exercise the target oblique muscles.

Claim 3, as amended, is believed to patentably distinguish over the Schleffendorf reference and the Bonewitz and Destasio references, taken singularly or in combination. Claims 4-8 are believed to be in condition for allowance as each is dependent from an allowable base claim.

As for claim 9, the amended claim recites an exercise machine comprising a base, a stationary shaft rigidly coupled to the base to prevent rotation of the stationary shaft with respect to the base, and a handle coupled to the stationary shaft. A platform is in rotational contact with the base. The platform has a centerline substantially aligned with the stationary shaft. A divider is aligned along the centerline and rigidly coupled to the platform, the divider having first and second opposing vertical faces of fixed height which provide a rotating leverage point of the rotatable platform when forces are applied normal to the first and second opposing vertical faces of the divider.

For similar reasons given above, the Schleffendorf reference does not teach or suggest a platform that is in rotational contact with the base, wherein the platform has a centerline substantially aligned with the stationary shaft. Moreover, Schleffendorf does not have a divider aligned along the centerline and rigidly coupled to the platform. The U-shaped guides in Schleffendorf are not designed to have first and second opposing vertical faces of fixed height which provide

a rotating leverage point of the rotatable platform when forces are applied normal to the first and second opposing vertical faces of the divider.

For similar reasons given above, the Bonewitz and Destasio references do not teach or suggest a divider having first and second opposing vertical faces of fixed height which provides a rotating leverage point of the rotatable platform when forces are applied normal to the first and second opposing vertical faces of the divider.

Claim 9, as amended, is believed to patentably distinguish over the Schleffendorf reference and the Bonewitz and Destasio references, taken singularly or in combination. Claims 10-15 are believed to be in condition for allowance as each is dependent from an allowable base claim.

As for claim 16, the amended claim recites an exercise apparatus to activate the oblique muscles of a body comprising a base having a fixed portion, an extendible shaft rigidly coupled to the fixed portion of the base to prevent rotation of the shaft, and a handle coupled to the extendible shaft to allow for an upper portion of the body to be held in a stationary position. A foot plate is in rotational contact with a second portion of the base. The foot plate has a centerline substantially aligned with the extendible shaft. The foot plate allows for a lower portion of the body to turn. A divider is aligned along the centerline and rigidly coupled to the foot plate, wherein forces applied normal to first and second opposing vertical faces of the divider causes the foot plate to rotate.

For similar reasons given above, the Schleffendorf reference does not teach or suggest a foot plate in rotational

contact with a second portion of the base, wherein the foot plate has a centerline substantially aligned with the extendible shaft. Moreover, Schleffendorf does not have a divider aligned along the centerline and rigidly coupled to the foot plate. The U-shaped guides in Schleffendorf are not designed such that forces applied normal to first and second opposing vertical faces of the divider cause the foot plate to rotate.

For similar reasons given above, the Bonewitz and Destasio references do not teach or suggest a divider aligned along the centerline and rigidly coupled to the foot plate, wherein forces applied normal to first and second opposing vertical faces of the divider cause the foot plate to rotate.

Claim 16, as amended, is believed to patentably distinguish over the Schleffendorf reference and the Bonewitz and Destasio references, taken singularly or in combination. Claims 17-18 are believed to be in condition for allowance as each is dependent from an allowable base claim.

Claim 19 has not been rejected in the present Office Action based on prior art. Nonetheless, Applicants submit that no prior art reference of record teaches or suggests a method of manufacturing an exercise machine comprising providing a base, connecting a shaft rigidly to the base to prevent rotation of the shaft with respect to the base, connecting a handle to the shaft, placing a platform in rotational contact with the base, the platform having a centerline substantially aligned with the shaft, and affixing a divider aligned along the centerline and rigidly coupled to the platform which provides a rotating leverage point of the platform when forces are applied normal to first and second opposing vertical faces of the divider.

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Slowinski, P.
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Claim 19, as amended, is believed to patentably distinguish over the Schleffendorf reference and the Bonewitz and Destasio references, taken singularly or in combination. Claims 20-21 are believed to be in condition for allowance as each is dependent from an allowable base claim.

Applicant(s) believe that all information and requirements for the application have been provided to the USPTO. If there are matters that can be discussed by telephone to further the prosecution of the Application, Applicant(s) invite the Examiner to call the undersigned attorney at the Examiner's convenience.

The Commissioner is hereby authorized to charge any fees due with this Response to U.S. PTO Account No. 17-0055.

Respectfully submitted,
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